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BEFORE THE ARIZONA POWER PLANT
AND TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE
APPLICATION OF ARIZONA PUBLIC
SERVICE COMPANY, IN
CONFORMANCE WITH THE
REQUIREMENTS OF ARIZONA
REVISED STATUTES §§40-360, *et seq.*,
FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY
AUTHORIZING THE BAGDAD 115kV
TRANSMISSION LINE RELOCATION
PROJECT, WHICH INCLUDES THE
RELOCATION OF A 115kV
TRANSMISSION LINE BETWEEN AN
EXISTING CAPACITOR BANK
STATION, 0.5 MILES WEST OF THE
UNINCORPORATED TOWN OF
BAGDAD, YAVAPAI COUNTY,
ARIZONA, AT SECTION 10, TOWNSHIP
14 NORTH, RANGE 9 WEST,
G&SRB&M, AND AN EXISTING MINE
SUBSTATION, THREE MILES
NORTHWEST OF THE
UNINCORPORATED TOWN OF BAGDAD,
YAVAPAI COUNTY, ARIZONA, AT
SECTION 3 TOWNSHIP 15 NORTH,
RANGE 9 WEST, G&SRB&M

Docket No. L-00000D-09-0161-00143

Case No. 143

ARIZONA PUBLIC SERVICE
COMPANY'S NOTICE OF
FILING PROPOSED FORM
OF CERTIFICATE OF
ENVIRONMENTAL
COMPATIBILITY

Arizona Corporation Commission

DOCKETED

MAY - 8 2009

DOCKETED BY

ARIZONA PUBLIC SERVICE COMPANY
DOCKET COMMISSIONER

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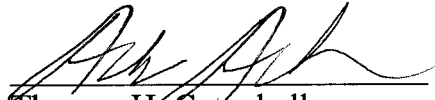
ARIZONA PUBLIC SERVICE COMPANY'S
NOTICE OF FILING PROPOSED FORM OF CERTIFICATE
OF ENVIRONMENTAL COMPATIBILITY

Pursuant to Paragraph 16 of Chairman Foreman's April 8, 2009 Procedural Order,
Arizona Public Service Company ("APS") files a proposed form of Certificate of
Environmental Compability, findings of fact, and conclusions of law. (Exhibit 1)
Consistent with Paragraph 17 of the Procedural Order, APS files a document showing the
comparison of the conditions proposed in this case with the conditions adopted by the

1 Arizona Corporation Commission and the Arizona Power Plant and Transmission Line
2 Siting Committee in Case No. L-00000D-07-0682-00136. (Exhibit 2)

3 RESPECTFULLY submitted this 8th day of May, 2009.

4 LEWIS AND ROCA LLP

5 
6

7 Thomas H. Campbell

8 Albert Acken

9 40 N. Central Avenue

10 Phoenix, Arizona 85007

11 Attorneys for Arizona Public Service Company

12 **ORIGINAL** and twenty-five (25) copies
13 of the foregoing filed this 8th day
14 of May, 2009, with:

15 The Arizona Corporation Commission
16 Utilities Division – Docket Control
17 1200 W. Washington Street
18 Phoenix, Arizona 85007

19 **COPY** of the foregoing mailed/~~hand-~~
20 ~~delivered~~ this 8th day of May, 2009, to:

21 John Foreman, Chairman
22 Arizona Power Plant and Transmission Line Siting Committee
23 Office of the Attorney General
24 PAD/CPA
25 1275 W. Washington Street
26 Phoenix, Arizona 85007



EXHIBIT 1

1 **BEFORE THE ARIZONA POWER PLANT**
2 **AND TRANSMISSION LINE SITING COMMITTEE**
3

4 IN THE MATTER OF THE APPLICATION OF)
5 ARIZONA PUBLIC SERVICE COMPANY, IN)
6 CONFORMANCE WITH THE REQUIREMENTS)
7 OF ARIZONA REVISED STATUTES §§40-360, *et*)
8 *seq.*, FOR A CERTIFICATE OF)
9 ENVIRONMENTAL COMPATIBILITY)
10 AUTHORIZING THE BAGDAD 115kV)
11 TRANSMISSION LINE RELOCATION PROJECT,)
12 WHICH INCLUDES THE RELOCATION OF A)
13 115kV TRANSMISSION LINE BETWEEN AN)
14 EXISTING CAPACITOR BANK STATION, 0.5)
MILES WEST OF THE UNINCORPORATED)
TOWN OF BAGDAD, YAVAPAI COUNTY,)
ARIZONA, AT SECTION 10, TOWNSHIP 14)
NORTH, RANGE 9 WEST, G&SRB&M, AND AN)
EXISTING MINE SUBSTATION, THREE MILES)
NORTHWEST OF THE UNINCORPORATED)
TOWN OF BAGDAD, YAVAPAI COUNTY,)
ARIZONA, AT SECTION 3 TOWNSHIP 15)
NORTH, RANGE 9 WEST, G&SRB&M)

Docket No.
L-00000D-09-0161-00143

Case No. 143

15 **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

16 Pursuant to notice given as provided by law, the Arizona Power Plant and
17 Transmission Line Siting Committee (the "Committee") held public hearings on May 18
18 and 19, 2009, all in conformance with the requirements of Arizona Revised Statutes
19 ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on
20 the Application of Arizona Public Service Company ("Applicant") for a Certificate of
21 Environmental Compatibility ("Certificate") in the above-captioned case (the "Project").

22 The following members and designees of members of the Committee were present
23 at one or more of the hearings for the evidentiary presentations and/or for the
24 deliberations:

25 Hon. John Foreman

Chairman, Designee for Arizona Attorney General,
Terry Goddard

1	David L. Eberhart, P.E.	Designee for Chairman, Arizona Corporation
2		Commission
3	Jessica Youle	Designee for Director, Energy Department, Arizona
4		Department of Commerce
5	Paul Rasmussen	Designee for Director, Arizona Department of
6		Environmental Quality
7	Gregg Houtz	Designee for Director, Arizona Department of Water
8		Resources
9	Jeff McGuire	Appointed Member
10	William Mundell	Appointed Member
11	Patricia Noland	Appointed Member
12	Michael Palmer	Appointed Member
13	Michael Whalen	Appointed Member
14	Barry Wong	Appointed Member

15 The Applicant was represented by Thomas H. Campbell and Albert H. Acken of
16 Lewis and Roca LLP. No parties requested intervention.

17 At the conclusion of the hearings, the Committee, having received the Application,
18 the appearances of the parties, the evidence, testimony and exhibits presented at the
19 hearings, and being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13,
20 upon motion duly made and seconded, voted ___ to ___ to grant the Applicant this
21 Certificate of Environmental Compatibility (Case No. 143) for the Project.

22 The Project as approved consists of approximately five miles of 115kV
23 transmission line to be relocated approximately one mile south of the existing location.
24 The Project originates at an existing capacitor bank station, located 0.5 miles west of the
25 Town of Bagdad in Section 10, Township 14 North, Range 9 West, G&SRB&M. The
26 Project terminates at an existing mine substation, located 3 miles northwest of the Town of
Bagdad, in Section 31, Township 15 North, Range 9 West, G&SRB&M. The total right-

1 of-way width is 100 feet within a corridor that is 200 feet wide. A general location map of
2 the Project is set forth in **Exhibit A**.

3 CONDITIONS

4 This Certificate is granted upon the following conditions:

- 5 1. The Applicant shall obtain all required approvals and permits necessary to
6 construct the Project.
- 7 2. The Applicant shall comply with all existing applicable ordinances, master
8 plans and regulations of the State of Arizona, the County of Yavapai, the United
9 States, and any other governmental entities having jurisdiction.
- 10 3. This authorization to commence construction of the Project shall expire seven
11 years from the date the Certificate is approved by the Commission; provided,
12 however, that prior to such expiration the Applicant or its assignees may request
13 that the Commission extend this time limitation.
- 14 4. The Applicant shall make every reasonable effort to identify and correct, on a
15 case-specific basis, all complaints of interference with radio signals from
16 operation of the transmission lines and related facilities addressed in this
17 Certificate. The Applicant shall maintain written records for a period of five
18 years of all complaints of radio interference attributable to operation, together
19 with the corrective action taken in response to each complaint. All complaints
20 shall be recorded to include notations on the corrective action taken.
21 Complaints not leading to a specific action or for which there was no resolution
22 shall be noted and explained.
- 23 5. To the extent applicable, the Applicant shall comply with the notice and salvage
24 requirements of the Arizona Native Plant Law and shall, to the extent feasible,
25 minimize the destruction of native plants during Project construction.

- 1 6. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical
2 site or object that is at least fifty years old is discovered on state, county or
3 municipal land during plan-related activities, the person in charge shall
4 promptly report the discovery to the Director of the Arizona State Museum, and
5 in consultation with the Director, shall immediately take all reasonable steps to
6 secure and maintain the preservation of the discovery. If human remains and/or
7 funerary objects are encountered on private land during the course of any
8 ground-disturbing activities relating to the development of the subject property,
9 Applicant shall cease work on the affected area of the Project and notify the
10 Director of the Arizona State Museum pursuant to A.R.S. § 41-865.
- 11 7. The Applicant shall design the transmission lines to incorporate reasonable
12 measures to mitigate impacts to raptors.
- 13 8. The Applicant shall use non-specular conductor and dulled surfaces for
14 transmission line structures.
- 15 9. In the event that the Project requires an extension of the term of this Certificate,
16 Applicant shall use reasonable means to notify all landowners and residents
17 within one mile of the Project corridor, all persons who made public comment at
18 this proceeding, and all parties to this proceeding of the request and the time and
19 place of the hearing in which the Commission will consider the request for
20 extension.
- 21 10. Before construction on this Project may commence, the Applicant must file a
22 construction mitigation and restoration plan ("Plan") with ACC Docket Control.
23 Where practicable, the Plan shall specify that the Applicant use existing roads
24 for construction and access, minimize impacts to wildlife, minimize vegetation
25 disturbance outside of the Project right-of-way, and revegetate native areas
26 following construction disturbance.

- 1 11. The Applicant shall provide copies of this Certificate to Yavapai County
2 Planning Division, the Arizona State Land Department, the State Historic
3 Preservation Office, and the Arizona Game and Fish Department.
- 4 12. Applicant will follow the latest Western Electricity Coordinating Council/ North
5 American Electric Reliability Corporation Planning standards as approved by
6 the Federal Energy Regulatory Commission, and National Electrical Safety
7 Code construction standards.
- 8 13. The Applicant shall submit a self-certification letter annually, identifying
9 progress made with respect to each condition contained in the Certificate,
10 including which conditions have been met. Each letter shall be submitted to
11 ACC Docket Control on December 1 beginning in 2009. Attached to each
12 certification letter shall be documentation explaining how compliance with each
13 condition was achieved. Copies of each letter along with the corresponding
14 documentation shall be submitted to the Arizona Attorney General and
15 Department of Commerce Energy Office. The requirement for the self-
16 certification shall expire on the date the Project is placed into operation.

17 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 18 1. The Project is in the public interest because it aids the state in meeting the need
19 for an adequate, economical and reliable supply of electric power.
- 20 2. In balancing the need for the Project with its effect on the environment and
21 ecology of the state, the conditions placed on the CEC by the Committee
22 effectively minimize its impact on the environment and ecology of the state.
- 23 3. The conditions placed on the CEC by the Committee resolve matters concerning
24 the need for the Project and its impact on the environment and ecology of the
25 state raised during the course of proceedings, and as such, serve as the findings
26 on the matters raised.

- 1 4. In light of these conditions, the balancing in the broad public interest results in
2 favor of granting the CEC.

3 THE ARIZONA POWER PLANT AND
4 TRANSMISSION LINE SITING COMMITTEE

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John Foreman, Chairman
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EXHIBIT 2

CONDITIONS

This Certificate is granted upon the following conditions:

1. The Applicant shall obtain all required approvals and permits necessary to construct the Project.
2. The Applicant shall comply with all existing applicable ordinances, master plans and regulations of the State of Arizona, the County of ~~Pinal~~Yavapai, the United States, and any other governmental entities having jurisdiction.
3. This authorization to commence construction of the Project shall expire ~~seventeen~~ years from the date the Certificate is approved by the Commission; provided, however, that prior to such expiration the Applicant or its assignees may request that the Commission extend this time limitation.
4. The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio ~~or television~~ signals from operation of the transmission lines and related facilities addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio ~~or television~~ interference attributable to operation, together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken. Complaints not leading to a specific action or for which there was no resolution shall be noted and explained.
5. ~~The~~To the extent applicable, the Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law and shall, to the extent feasible, minimize the destruction of native plants during Project construction.
6. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical site or object that is at least fifty years old is discovered on state, county or municipal land during plan-related activities, the person in charge shall promptly report the discovery to the Director of the Arizona State

Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the development of the subject property, Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum pursuant to A.R.S. § 41-865.

7. The Applicant shall design the transmission lines ~~so as to~~ incorporate reasonable measures to mitigate impacts to raptors.
8. The Applicant shall use non-specular conductor and dulled surfaces for transmission line structures.
9. ~~Within 120 days of the Commission decision granting this Certificate, Applicant will post signs in public rights of way giving notice of the Project corridor to the extent authorized by law. The Applicant shall place signs in prominent locations at reasonable intervals such that the public is notified along the full length of the transmission line until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right of way for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line. Such signage shall be no smaller than a normal roadway sign. The signs shall advise:~~In the event that the Project requires an extension of the term of this Certificate, Applicant shall use reasonable means to notify all landowners and residents within one mile of the Project corridor, all persons who made public comment at this proceeding, and all parties to this proceeding of the request and the time and place of the hearing in which the Commission will consider the request for extension.

~~9(a) — That the site has been approved for the construction of Project facilities;~~

~~(b) — The expected date of completion of the Project facilities;~~

~~(c) — A phone number for public information regarding the Project;~~

~~(d) — The name of the Project;~~

~~(e) — The name of the Applicant; and~~

~~(f) — The Applicant's website.~~

~~Sign placement will be reported annually in accordance with Condition 16.~~

10. Before construction on this Project may commence, the Applicant must file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify that the Applicant use existing roads for construction and access, minimize impacts to wildlife, minimize vegetation disturbance outside of the Project right-of-way, and revegetate native areas following construction disturbance.

~~11. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the Project and to resolve transmission constraints in a timely manner.~~

~~11, 12.~~ The Applicant shall provide copies of this Certificate to Pinal~~Yavapai~~ County Planning and ~~Development~~Division, the Arizona State Land Department, the State Historic Preservation Office, and the Arizona Game and Fish Department.

~~13. Prior to the date this transmission line is put into commercial service, the Applicant shall provide known homebuilders and developers within one mile of the center line of the Certificate route the identity, location, and a pictorial depiction of the type of power line being constructed, accompanied by a~~

~~written description, and encourage the developers and homebuilders to include this information in the developers' and homebuilders' homeowners' disclosure statements.~~

- ~~14. The Applicant will not construct the Project on any portion of the existing Pinal County Fairgrounds, a 120+/- acre parcel, owned by Pinal County, described as N1/2 SE 1/4 and the SE1/4 NE1/4 Section 25, T6S, R7E, G&SRB&M, Pinal County, Arizona, without the prior written consent of Pinal County.~~
- ~~15. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall:~~
 - ~~(a) — Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline results in no material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are in operation. If material adverse impacts are noted in the studies, Applicant shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicant shall provide to Commission Staff reports of studies performed; and~~
 - ~~(b) — Perform a technical study simulating an outage of the Project that may be caused by the collocation of the Project parallel to and within 100 feet of the existing natural gas or hazardous liquid pipeline. This study should either: i) show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages. Applicant shall provide a copy of this study to Commission Staff.~~

12. Applicant will follow the latest Western Electricity Coordinating Council/
North American Electric Reliability Corporation Planning standards as
approved by the Federal Energy Regulatory Commission, and National
Electrical Safety Code construction standards.

13. ~~16.~~ The Applicant shall submit a self-certification letter annually, identifying progress made with respect to each condition contained in the Certificate, including which conditions have been met. Each letter shall be submitted to the Utilities Division Director ACC Docket Control on December 1 beginning in 2008~~9~~. Attached to each certification letter shall be documentation explaining how compliance with each condition was achieved. Copies of each letter along with the corresponding documentation shall be submitted to the Arizona Attorney General and Department of Commerce Energy Office. The requirement for the self-certification shall expire on the date the Project is placed into operation.

~~17. Applicant will follow the latest Western Electricity Coordinating Council/
North American Electric Reliability Corporation Planning standards as
approved by the Federal Energy Regulatory Commission, and National
Electrical Safety Code construction standards.~~